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BIOTECHNOLOGY LAW GROUP 658 MARSOLAN AVENUE SOLANA BEACH, CA 92075

BRUCE D. GRANT, A Professional Corporation A CALIFORNIA CORPORATION Tel: 858-623-9470 FAX: 858-623-9476



□ Urg	ant	☑ For Review	☐ Please Comment	☐ Please Reply	
Re:	Applr	n. No. 10/608,296	CC:		
Phone	*		Pagesı	26 (including cover page)	
Fax:	(703)	872-9306	Date:	December 6, 2004	
To: 		Stop Petitions missioner for Paten	s From:	Registration No. 47,608	

Comments:

Please process this Petition to Withdraw Holding of Abandonment and accompanying documents. This filing includes the following papers:

- Transmittal Form and Certificate of Transmission (1 page) 1.
- 2. Fee Transmittal (1 page, 1 page duplicate)
- 3.
- PTO-2038 (1 page)
 Petition to Withdraw Holding of Abandonment (3 pages) 4.
- 5. Exhibit A (6 pages)
- 6. Copy of Notice of Missing Parts (2 pages)
- 7. Declaration For Patent Application (5 pages)
- Power of Attorney and 37 CFR 3.73(b) Statement (2 pages) 8.
- Copy of Assignment document (3 pages)

Respectfully submitted,

Bruce Grant

Registration No. 47,608

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≸ruce Grant

Signature

PTO/\$B/21 (09-04) Approved for use through 07/31/2006, OMB 0651-0031 U.S. Patent and Tradernark Office; U.S. DEPARTMENT OF COMMERCE tion of information unless it displays a valid OMB control number Under the Pacerwork Reduction Act of 1995, no persons are required to respond t Application Number 10/608,296 Filing Date TRANSMITTAL 27 June 2003 First Named Inventor **FORM** Gall I. ADAM Art Unit To be assigned Examiner Name To be assigned (to be used for all correspondence after initial filing) Attorney Docket Number SEQ-4031-UT Total Number of Pages in This Submission **ENCLOSURES** (Check all that apply) After Allowance Communication to TC Fee Transmittal Form Drawing(s) Appeal Communication to Board Licensing-related Papers of Appeals and Interferences Fee Attached Appeal Communication to TC Petition (Appeal Notice, Brief, Reply Brief) Amendment/Reply Petition to Convert to a Procrietary Information After Final Provisional Application Power of Attorney, Revocation Status Letter Change of Correspondence Address Affidavits/declaration(s) Other Enclosure(s) (please identify Terminal Disclaimer Extension of Time Request below): PTO-2038 Request for Refund Express Abandonment Request Exhibit A Copy of Notice of Missing Parts CD, Number of CD(s)_ Information Disclosure Statement Declaration for Patent Application 37 CFR 3.73(b) statement Landscape Table on CD Certified Copy of Priority Remarks Document(s) Reply to Missing Parts/ Incomplete Application Reply to Missing Parts under 37 CFR 1.52 or 1.53 SIGNATURE OF APPLICANT, ATTORNEY, OR AGENT Firm Name BioTechnology/Law Group Signature Printed name Bruce Grant Date Reg. No. 07 DECEMBER 2004 CERTIFICATE OF TRANSMISSION/MAILING I hereby certify that this correspondence is being facsimile transmitted to the USPTO or deposited with the United States Postal Service with sufficient postage as first class mail in an envelope addressed to: Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450 on

This collection of information is required by 37 CFR 1.5. The information is required to obtain or retain a benefit by the public which is to file (and by the USPTO to process) an application. Confidentiality is governed by 35 U.S.C. 122 and 37 CFR 1.11 and 1.14. This collection is estimated to 2 hours to complete, including gathering, preparing, and submitting the completed application form to the USPTO. Time will vary depending upon the Individual case. Any comments on the amount of time you require to complete this form and/or suggestions for reducing this burden, should be sent to the Chief information Officer, U.S. Patent and Trademark Office, U.S. Department of Commerce, P.O. Box 1450, Alexandria, VA 22313-1450. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. SEND TO: Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.

Date

07 DEC 2004

If you need essistance in completing the form, call 1-800-PTO-9199 and select option 2.

a

PTO/SB/17 (10-04v2) Approved for use through 07/31/2006. OMB 0851-0032

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FEE TRANSMITTA	ᄂ	Application Number 10		1608,296				
for FY 2005		Filing Date 27		JUNE 2003				
		First Named Inventor		ntor Ga	Gail I. ADAM			
Effective 10/01/2004. Patent fees are subject to annual revision	•	Examiner Name To be assigned		sned				
Applicant claims small entity status. See 37 CFR 1.27		Ari U	nit		To	n ason		
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SUBMITTED BY Name (Print/Type) Bruce Grant 4		Registra		47,8	≳∩R		858-523-9470	-
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PTC/SB/17 (10-04v2)
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Complete if Known **FEE TRANSMITTAL** 10/608,296 Application Number 27 JUNE 2003 Filing Date for FY 2005 First Named Inventor Effective 10/01/2004. Patent fees are subject to annual revision. **Examiner Name** 70 be assigned Applicant claims small entity status. See 37 CFR 1.27 **Art Unit** be assigned 65.00 TOTAL AMOUNT OF PAYMENT Attorney Docket No.

Check Credit card Money Other None Order	METHOD OF PAYMENT (check all that apply)	FEE CALCULATION (continued)				
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SUBMITTED BY			(Complete	(d epplicable))
Name (Print/Type)	Bruce Grant	Registration No. (Attorney/Agent) 47,608	Telephoni	858-623-9470
Signature	15		Date	07 DEC 2004

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Attorney Docket No.: SEQ-4031-UT

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

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DEC 0 7 2004

Applicant(s): Gail I. ADAM and Maria L. LANGDOWN

Application No.: 10/608,296

Filed: 27 June 2003

Title: DIAGNOSING PREDISPOSITION OF FAT

DEPOSITION AND ASSOCIATED

CONDITIONS

Attorney Docket No.: SEQ-4031-UT

Examiner: To Be Assigned

Group Art Unit: To Be Assigned

PETITION TO WITHDRAW HOLDING OF ABANDONMENT UNDER 37 C.F.R. § 1.181(a)

Mail Stop Petitions Commissioner for Patents P.O. Box 1450 Alexandria, Virginia 22313-1450

Sir:

This petition is in response to a Notice of Abandonment issued by the Office on October 21, 2004 for failure to reply to a Notice to File Missing Parts mailed on September 24, 2003.

Applicants respectfully request that the Office withdraw the holding of abandonment as the Notice to File Missing Parts never was received, as described in further detail hereafter.

12/08/2004 BBONNER 00000004 10608296

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Attorney Docket No.: SEQ-4031-UT

<u>REMARKS</u>

The Applicants respectfully request that the Office withdraw the holding of abandonment under 37 C.F.R. § 1.181(a) on the basis that the outstanding Notice to File Missing Parts was not received in time to file a response within the statutory period.

The Notice to File Missing Parts was not received by the Applicants' former representatives and a search of the file jacket and docketing records indicated that the Notice to File Missing Parts never was received. As evidence of non-receipt, attached as Exhibit A is a copy of the docket record for November 24, 2003, where the shortened statutory deadline for filing a response to the Notice to File Missing Parts would have been present had it been received. Thus, the Notice to File Missing Parts never was received from the Office and Applicants respectfully request that the Office withdraw the holding of abandonment.

This Petition is timely filed as it is submitted within two-months from the date the Notice of Abandonment was mailed by the Office.

Applicants file herewith a duly executed Declaration and surcharge fee of \$65.00 to fulfill the requirements of the Notice to File Missing Parts for the purpose of expediting prosecution.

Also filed herewith is a Power of Attorney and Statement under 37 CFR 3.73(b) with a copy of an Assignment.

Attorney Docket No.: SEQ-4031-UT

It is believed that no fees are due in connection with this submission other than the surcharge fee with the Notice to File Missing Parts. If the Office, however, determines that an extension and/or other relief is required, Applicant requests that the Office contact the undersigned immediately at (858) 623-9470.

I hereby certify that this correspondence is being transmitted to the USPTO via facsimile at (703) 872-9306.

Date of Deposit: December 7, 2004

Typed Name: Bruce D. Grant

c:____

Respectfully submitted,

ву

Bruce D. Grant Reg. No. 47,608

BioTechnology Law Group 658 Marsolan Avenue

Solana Beach, California 92075

Telephone No.: 858 623-9470 Facsimile No.: 858 623-9476